

CONSERVING Habitat Conservation



Essential Fish Habitat is the habitat of marine, estuarine, and anadromous finfish, mollusks, and crustaceans. It is broadly defined to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity"

Goal

The Habitat Conservation Division of the Northeast Regional Office strives to protect, conserve, and restore habitats of our living marine resources, thereby ensuring they have healthy habitats to sustain their populations well into the future.

Primary Activities

The Habitat Conservation Division, in conjunction with regional Fishery Management Councils, must identify and describe the Essential Fish Habitat (EFH) for each managed species using the best available science. This process consists of identifying specific areas and the habitat features within them that provide essential functions to a particular species for each of its life stages. Those areas designated as EFH for each species are then in turn documented in corresponding fishery management plan. The Habitat Division must then assess the fishing practices occurring in these areas to determine what impacts they may have on habitat and determine if they are minimal or temporary in nature. If there are associated impacts to the fishing methods, steps to minimize these impacts are taken. Restricting the use of certain fishing gears from specific areas is one way to reduce or eliminate impacts on habitat from fishing.

In addition to identifying EFH, the Habitat Conservation Division reviews numerous development projects proposed or licensed by federal agencies each year. These reviews may pertain to activities such as requests for federal permits to dredge/fill wetlands and waterways, depositing dredged material in nearshore waters, building coastal structures, and building/removing dams, to name a few. If these coastal development projects have the potential to adversely affect marine, estuarine, or anadromous species or their habitat, the Habitat Division conducts a technical review of the biological effects of these human activities, the value of coastal habitats, and methods of reducing habitat loss and degradation. Based on this review, recommendations are provided on how best to avoid, minimize or compensate these impacts.

The Habitat Division's primary mandates focus on ensuring that living marine resources have sufficient healthy habitat to sustain populations

Partnering and Interagency Coordination

The division cooperates and coordinates with a number of organizations including state, federal, national, and international agencies, universities, commercial fishing organizations, zoos, aquaria, and environmental and animal welfare organizations. These entities include the U.S. Corps of Engineers, EPA, permitting organizations or agencies, Animal and Plant Health Inspection Service, Marine Mammal Commission, NOAA Fisheries Office of Law Enforcement, NOAA National Ocean Service, NOAA Office of General Counsel for Enforcement and Litigation, and the U.S. Fish & Wildlife Service. The division also works with a number of private organizations and has extensive involvement with Canadian officials in regard to a number of issues involving whales including protection of migrating whales and reduction of entanglement risk. The division is involved with a number of coastal states both directly and through the Atlantic States Marine Fisheries Commission to protect threatened and endangered species as defined under the ESA, Section 6: State Partners. States also provide survey results for turtles and whales that are used for assessment purposes.

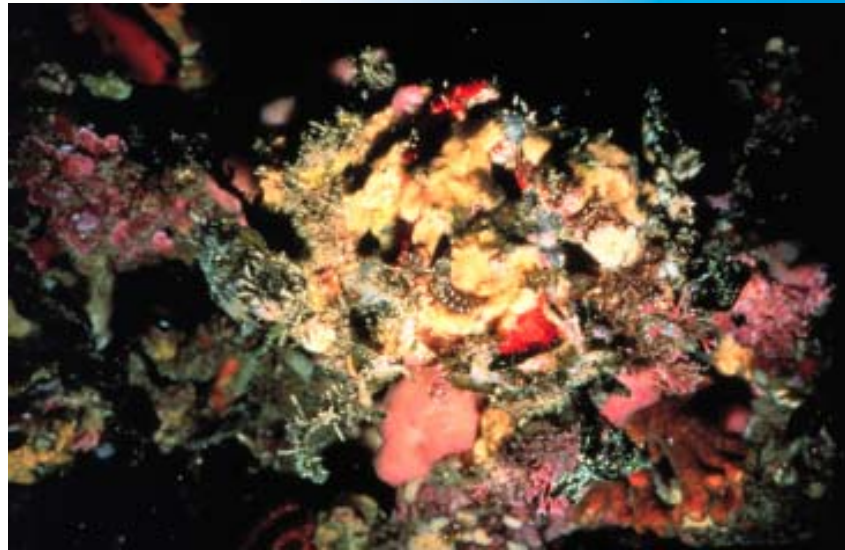
Fisheries Mandate

Over thirty years ago, when NOAA was formed, a need was determined to influence protection and stewardship for fish resources in response to intense development of the coastal zone accompanied by degradation and destruction of the quality of the marine environment. The initial mandate consisted of the Fish and Wildlife Coordination Act and basically required

any federal entity whose actions would result in adversity to fish and wildlife, must allow federal resource conservation agencies the right to comment and issue recommendations on the actions. From that point on, the Habitat Division provided conservation advice to coastal and waterway development actions. These recommendations are “advisory” and not mandatory, yet they do influence actions



especially with respect to dredging fish and shellfish habitat, and destroying salt marsh and shallow water fish spawning habitat. As time passed new laws have been enacted such as the Endangered Species Act and the National Environmental Policy Act (NEPA). These Acts made the federal development agencies more accountable for their actions and gave the Habitat Division a better foothold to protect the nations living marine resources. Other laws that have had an influence on habitat protection such as the Federal Power Act, which gave NOAA the mandate to prescribe fish passage at hydro electric dams, so that fish could reach and return from spawning grounds upstream. The Coastal Zone Management Act empowered NOAA to help state governments implement better coastal conservation. All of these helped habitat conservation and living marine resources protection.



A next milestone came along in 1996, when Congress made significant revisions to the Magnuson-Stevens Fishery Conservation Act and refined the focus of fisheries management by emphasizing the need to protect fish habitat. Specifically, the Act mandated the protection of essential fish habitat or “EFH.” This provided the Agency not only the regulatory authority but also the legal accountability to protect EFH of fish stocks managed by the Regional



Fisheries Management Councils. The Act required that fishery management plans designate EFH as those areas that are necessary to fish for their basic life functions. It defined EFH as “...waters and substrate necessary to fish for spawning, breeding,

feeding, or growth to maturity.” “Waters” include aquatic areas and their associated physical, chemical, and biological properties that are used by fish. “Substrate” includes sediment, hard bottom, structures underlying the waters, and associated biological communities. “Necessary” means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem; and “spawning, breeding, feeding, or growth to maturity” covers a species’ full life cycle. The Act also required

Recent habitat protection efforts, in collaboration with the regional management councils, provides protection ranges from coastal salt water marshes to deep cold water corals



that fishing and non-fishing impacts caused by federal and state agencies be minimized to the maximum extent possible, that these agencies consult with NOAA Fisheries Service, and that federal agencies must respond in writing to conservation recommendations. Habitat now had a broad based foothold to protect the habitats of living marine resources.

Emerging Issues and Priorities

Large scale energy related projects have been proposed in the Northeast Region. The division will address the permitting and consultation reviews of these projects. Some of these projects include proposed wind farms, expansion of natural gas lines, oil transport tankers and pipelines, and two proposed offshore terminal facilities, and tidal power generation.

The Northeast Region has an abundance of hydropower dams. Some of these dams are inactive, while others are not equipped to facilitate the safe passage of spawning anadromous fish. In the near future, many of the current hydropower dams will be up for license renewal. This will provide for the opportunity to create safe fish passage and fish friendly dams in this process. Essential Fish Habitat is the habitat of marine, estuarine, and anadromous finfish, mollusks, and crustaceans. It is broadly defined to include “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.”

Accomplishments and Successes

Significant progress has been made in the permitting process for the construction of docks and piers. The Habitat Division has worked to establish a special permit in New York and New Jersey that allows quick permit review for those using nonpolluting materials resulting in a mutually beneficial result, a quick permit review, and the protection of habitat.

The division was involved in the development and implementation of a major fishery management plan that established 2,800 nautical miles of restricted areas in New England in an effort to protect ground fish and scallop habitat from damage resulting from dredging and trawling gear. Recently, habitat protection efforts in collaboration with the regional fishery management councils have provided protection to deep cold water corals.



In a multiagency venture, including the Protected Resources and Habitat Divisions, the Restoration Program, Fish and Wildlife Service, and the state of Maine, as well as others, a developed a plan for the Penobscot River to remove unnecessary dams and create fish friendly passages for anadromous fish, such as endangered Atlantic salmon. This effort is striving to attain a balance between ensuring that the hydropower produced by the dams is maintained as a viable source of energy while providing spawning fish the means to use these rivers to reproduce in their natural habitats.



Due to the expanding prevalence of aquaculture in marine fisheries located in the Northeast, the Habitat Division must assess the impacts these activities have on EFH, especially eel grass beds. Therefore, the Habitat Division is currently

developing a guidance document intended to instruct those participating in aquaculture related activities to coordinate with NOAA Fisheries Service. The Agency will then determine where eel grass is prior to issuing permits in order to avoid conflicts and destruction of eel grass, a essential habitat for some breeding species.



Applicable Laws

NOAA Fisheries Service plays an advisory role in reviewing proposed projects and other actions which may affect living marine resource habitat, and making recommendations for the adequate conservation of that habitat. As such, the division must comply with a number of federal laws and statutes including:

- The Magnuson-Stevens Fishery Conservation and Management Act
- The Fish and Wildlife Coordination Act
- The Marine Mammal Protection Act
- The Endangered Species Act
- The Clean Water Act
- The Federal Power Act
- The Fish and Wildlife Coordination Act
- The Oil Pollution Act
- The Coastal Zone Management Act



Ecosystem Management

There is a movement within NOAA to incorporate ecosystem-based fishery management into the fishery management process. This will involve a broader, multiple use assessment that encourages sustainability and addresses the cumulative impacts that users have on fisheries and the ecosystem as a whole.

Interaction with Science Center

NOAA is a science-based organization and the Science Centers perform and facilitate the scientific research that supports and justifies NOAA Fisheries Service management decisions. The division works closely with the Northeast

Fisheries Science Center to protect EFH to utilize the best available science in the identification and mapping of habitat in the Northeast region.



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